

**Iowa Department of Natural Resources  
Natural Resource Commission**

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**ITEM**

**24**

UPDATED

**DECISION**

**TOPIC**

**Notice of Intended Action--Chapter 106, Deer hunting by Residents**

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The Commission is requested to approve this Notice to amend Chapter 106, Deer hunting by residents. The amendments list tentative county quotas for antlerless deer licenses and the counties that will be open during the November and January antlerless season. The antlerless quotas and open counties could change if results of ongoing population surveys indicate they need to be changed to meet the department's objective of controlling the deer population. The amendments simplify the language describing who can obtain antlerless deer licenses and when they may be issued. The dates for the youth and special disabled hunter deer season were made consistent with Chapter 94. The amendments remove the 6 shot clip restriction on center-fire rifles for the January antlerless season. The amendments add a requirement that hunters in ground blinds during the shotgun seasons display solid blaze orange on the exterior of the blind. The amendments clarify the procedures used by the depredation program when writing depredation plans and issuing depredation licenses or shooting permits.

Ken Herring  
Administrator  
Conservation and Recreation Division

Attachment

March 8, 2007

## NATURAL RESOURCE COMMISSION [571]

### Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 106, "Deer Hunting by Residents," Iowa Administrative Code.

The amendments list tentative county quotas for antlerless deer licenses and the counties that will be open during the November and January antlerless season. The antlerless quotas and open counties could change if results of ongoing population surveys indicate they need to be changed to meet the department's objective of controlling the deer population. The amendments simplify the language describing who can obtain antlerless deer licenses and when they may be issued. The dates for the youth and special disabled hunter deer season were made consistent with Chapter 94. The amendments remove the 6 shot clip restriction on center-fire rifles for the January antlerless season. The amendments add a requirement that hunters in ground blinds during the shotgun seasons display solid blaze orange on the exterior of the blind. The amendments clarify the procedures used by the depredation program when writing depredation plans and issuing depredation licenses or shooting permits.

The Commission gives notice that the final rule may have to be changed substantially from this Notice of Intended Action depending on the outcome of deer population surveys. If surveys indicate the deer harvest must be substantially increased or reduced in some regions to meet the department's goals for herd management, additional changes may be made. Such changes could include season dates, bag limits, antlerless-deer-only license quotas, number and type of seasons, license types and other changes that may be deemed necessary.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 19, 2007. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.com](http://www.iowadnr.com) or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 19, 2007. Interested persons should contact the Department at (515)281-5918 for a list of hearing locations or go to the Department's website at [www.iowadnr.com](http://www.iowadnr.com). At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following amendments are proposed.

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ITEM 1. Amend subrule 571--106.6(2)(481A)," as follows:

106.6(2) Paid antlerless-deer-only licenses. Paid antlerless-deer-only licenses have quotas for each county and will be sold for each county until quotas are reached. ~~The season that~~

~~may be hunted with paid antlerless deer only licenses and the number that may be purchased depend on the season for which any deer licenses have been purchased.~~

~~a. — Bow season. A person who purchases a paid any deer bow license may purchase antlerless deer only licenses, but the type and number that may be purchased depend on the season for which the paid any deer firearm license is purchased (see paragraphs "b" through "f"). Prior to October 1, if no paid any deer firearm license is purchased, the following paid antlerless deer only licenses may be purchased in any combination: up to three paid antlerless deer only licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of antlerless deer only licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.~~

~~b. — First regular gun season. Prior to October 1, a person who purchases a paid any deer license for the first regular gun season may purchase the following paid antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season, and late muzzleloader season. Up to three antlerless deer only licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of paid antlerless deer only licenses may be purchased for these seasons. A person obtaining a paid license for the first regular gun season may not obtain a paid license of any type for the second regular gun season.~~

~~c. — Second regular gun season. Prior to October 1, a person who purchases a paid any deer license for the second regular gun season may purchase the following paid antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, second regular gun season and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of paid antlerless deer only licenses may be purchased for these seasons. A person obtaining a paid license for the second regular gun season may not obtain a paid license of any type for the first regular gun season.~~

~~d. — Early muzzleloader season. Prior to October 1, a person who purchases an any deer license for the early muzzleloader season may purchase the following paid antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of paid antlerless deer only licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.~~

~~e. — Late muzzleloader season. Prior to October 1, a person who purchases a paid any deer late muzzleloader season license may purchase the following paid antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer only season. Beginning October 1, an unlimited number of licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.~~

~~f. — Paid any deer license not purchased. Prior to October 1, a person who has not purchased a paid any deer license for any season may purchase the following antlerless deer only licenses in any combination: up to three licenses for the youth/disabled hunter season (if~~

eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless deer-only season. Beginning October 1, an unlimited number of these licenses may be purchased. A person may not obtain paid licenses of any type for both regular gun seasons.

a. Paid antlerless-deer-only licenses may be purchased for any season in counties where licenses are available except as outlined in 571--106.6(2) b. They must be used in the season, county or deer population management area selected at the time the license is purchased.

b. No one may obtain paid licenses for both the first regular gun season and second regular gun season regardless of whether the licenses are valid for any-deer or antlerless-deer-only. Paid antlerless-deer-only licenses for the early muzzleloader season can only be purchased by hunters who have already purchased one of the 7,500 paid statewide any-deer licenses or obtained a free any-deer licenses for the early muzzleloader season.

c. Prior to September 15 a hunter may purchase 1 antlerless-deer-only license for any season for which they are eligible. Beginning September 15 a hunter may purchase an unlimited number of antlerless-deer-only licenses for any season they are eligible as defined in 571--106.6(2) b until the county or population management area quotas are filled. Licenses purchased for deer population management areas will not count in the county quota.

ITEM 3. Amend subrule 106.6(3) as follows:

106.6(3) November antlerless-deer-only season. Antlerless-deer-only licenses for the November antlerless-deer-only season shall be available in the following counties: Adair, Adams, Allamakee, Appanoose, Clarke, Clayton, Davis, Decatur, Des Moines, Fremont, Guthrie, Henry, Jefferson, Lee, Lucas, Mills, Monroe, Montgomery, Page, Ringgold, Taylor, Union, Van Buren, Wapello, Wayne, and Winneshiek. Beginning the second Saturday prior to the opening of the November antlerless-deer-only season, an unlimited number of paid antlerless-deer-only licenses may be purchased for the November antlerless-deer-only season. These licenses may be obtained regardless of any other paid any-deer or paid antlerless-deer-only licenses that may have been obtained. Licenses will be sold until county quotas are filled.

ITEM 4. Amend subrule 571--106.6(4) as follows:

106.6(4) January antlerless-deer-only licenses. Antlerless-deer-only licenses for the January antlerless-deer-only season shall be available in the following counties: Adair, Adams, Allamakee, Appanoose, ~~Benton, Bremer, Buchanan, Cass, Cedar, Chickasaw,~~ Clarke, Clayton, ~~Clinton, Dallas,~~ Davis, Decatur, ~~Delaware,~~ Des Moines, ~~Dubuque, Fayette,~~ Fremont, Guthrie, ~~Harrison,~~ Henry, ~~Howard,~~ Iowa, Jackson, Jasper, Jefferson, Jones, ~~Johnson, Keokuk,~~ Lee, Linn, Louisa, Lucas, ~~Madison, Mahaska, Marion,~~ Mills, ~~Monona,~~ Monroe, Montgomery, ~~Muscatine,~~ Page, ~~Polk, Pottawattamie, Poweshiek,~~ Ringgold, ~~Scott,~~ Taylor, Union, Van Buren, Wapello, ~~Warren, Washington,~~ Wayne, and Winneshiek, and Woodbury. Prior to ~~October 1~~ September 15, a person may purchase ~~up to three~~ one antlerless-deer-only licenses for the January antlerless-deer-only season. Beginning ~~October 1~~ September 15, an unlimited number of licenses may be obtained until quotas are filled. January antlerless-deer-only licenses may be obtained regardless of any other deer licenses that may have been obtained.

ITEM 5. Amend subrules 571--106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	1500	Floyd	250	Monona	650
Adams	1650	Franklin	150	Monroe	2500
Allamakee	3750	Fremont	850	Montgomery	800
Appanoose	3000	Greene	150	Muscatine	1500
Audubon	100	Grundy	0	O'Brien	0
Benton	1000	Guthrie	2500	Osceola	0
Black Hawk	0	Hamilton	100	Page	1100
Boone	500	Hancock	0	Palo Alto	0
Bremer	500	Hardin	400	Plymouth	150
Buchanan	300	Harrison	700	Pocahontas	0
Buena Vista	0	Henry	1900	Polk	750
Butler	250	Howard	800	Pottawattamie	1100
Calhoun	0	Humboldt	0	Poweshiek	750
Carroll	100	Ida	0	Ringgold	2250
Cass	600	Iowa	1200	Sac	0
Cedar	1000	Jackson	1600	Scott	1100
Cerro Gordo	0	Jasper	950	Shelby	200
Cherokee	0	Jefferson	1800	Sioux	150
Chickasaw	600	Johnson	1900	Story	400
Clarke	1250	Jones	1400	Tama	800
Clay	0	Keokuk	1500	Taylor	2100
Clayton	4500	Kossuth	0	Union	1500
Clinton	1200	Lee	2500	Van Buren	4000
Crawford	150	Linn	1700	Wapello	2000
Dallas	1500	Louisa	1500	Warren	1150
Davis	3000	Lucas	1050	Washington	1900
Decatur	2500	Lyon	0	Wayne	2500
Delaware	1200	Madison	1500	Webster	100
Des Moines	2000	Mahaska	1100	Winnebago	0
Dickinson	0	Marion	1200	Winneshiek	3000
Dubuque	2000	Marshall	500	Woodbury	750
Emmet	0	Mills	850	Worth	100
Fayette	2000	Mitchell	250	Wright	0

ITEM 6. Amend subrule 571--106.7(5) as follows:

106.7(5) January antlerless-deer-only season. Bows, shotguns, muzzleloaders and handguns as described in this rule may be used during the January antlerless-deer-only season. Centerfire rifles .24 caliber or larger may be used ~~during the last seven days of the season~~ in the southern two tiers of counties. ~~For deer hunting, semiautomatic rifles may have no more than six rounds in the chamber and magazine combined.~~

ITEM 7. Add subrule 571--106.7(8) as follows:

106.7(8) Ground blinds – No person shall use a ground blind for hunting deer during the regular gun deer seasons unless such blind exhibits a solid blaze orange marking visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. As used in

this rule, “ground blind” is defined as a constructed place of concealment used for the purpose of hiding a person who is hunting from sight. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment.

ITEM 8. Amend subrule 571--106.10(2) as follows:

106.10(2) Season dates. Deer of either sex may be taken statewide during ~~the 16-day period that ends on the first Sunday in October~~ 16 consecutive days beginning on the third Saturday in September.

ITEM 9. Amend subrule 571--106.11(481A) as follows:

571-106.11(481A) Deer depredation management. The deer depredation management program provides assistance to producers through technical advice and additional deer licenses and permits where the localized reduction of female deer is needed to reduce damage. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops may be issued deer depredation permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation permits may be issued before an agreement is signed. Further permits will not be authorized until an agreement is signed.

106.11(1) Method of take and other regulations. Legal weapons and restrictions will be governed by 571-106.7 (481A). For deer shooting permits only, there are no shooting hour restrictions but taking deer with an artificial light is prohibited by Iowa code 481A.93. The producer or designee must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122 .

106.11(2) Eligibility. Producers growing typical agricultural crops (such as corn, soybeans, hay and oats and tree farms and other forestlands under a timber management program) and producers of high-value horticultural crops (such as Christmas trees, fruit or vegetable crops, nursery stock, and commercially grown nuts) shall be eligible to enter into depredation management agreements if these crops sustain excessive damage.

a. The producer may be the landowner or a tenant, whoever has cropping rights to the land.

b. Excessive damage is defined as crop losses exceeding \$1,000 in a single growing season, or the likelihood that damage will exceed \$1,000 if preventive action is not taken, or a documented history of at least \$1,000 damage annually in previous years.

c. Producers who lease their deer hunting rights and have restricted access are not eligible for the deer depredation management program.

d. Rub damage from bucks in Conservation Reserve Program tree plantings or naturally occurring woodlands will not be considered as a portion of the required \$1000 damage threshold to qualify for the deer depredation program. Rubs will be considered qualifying damage on commercial tree and Christmas tree farms.

e. Crops in confined storage areas (such as hay, grain, silage, corn gluten, etc.) will not be considered eligible unless exclusionary measures (such as fencing, gates, etc.) have been implemented to protect the agricultural product.

106.11(3) Depredation management plans. Upon request from a producer, field employees of the wildlife bureau will inspect and identify the type and amount of crop damage sustained from deer. If damage is not excessive, technical advice will be given to the producer on methods to reduce or prevent future damage. If damage is excessive and the producer agrees to participate, a

written depredation management plan will be developed by depredation biologists ~~the field employee~~ in consultation with the producer.

a. The goal of the management plan will be to reduce damage to below excessive levels within a specified time period through a combination of producer-initiated preventive measures and the issuance of deer depredation permits.

(1) Depredation plans written for producers of typical agricultural crops may require preventive measures such as harassment of deer with pyrotechnics and cannons, guard dogs, temporary fencing, allowing more hunters, increasing the take of antlerless deer, and other measures that may prove effective.

(2) Depredation plans written for producers of high-value horticultural crops may include all of the measures in (1) above, plus permanent fencing where necessary. Fencing will not be required if the cost of a fence exceeds \$1,000.

(3) Depredation permits to shoot deer may be issued to Iowa residents ~~only~~ to temporarily reduce deer numbers until long-term preventive measures become effective. Depredation permits will not be used as a long-term solution to deer damage problems.

b. Depredation management plans will normally be written for a three-year period with progress reviewed annually by the department and the producer.

(1) The plan will become effective when signed by the depredation biologist ~~field employee of the wildlife bureau~~ and the producer.

(2) Plans may be modified or extended if mutually agreed upon by the department and the producer.

(3) Depredation permits will not be issued after the initial term of the management plan if the producer fails to implement preventive measures outlined in the plan.

106.11(4) Depredation permits. Three types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued in blocks of five licenses up to the number specified in the management plan.

(2) Depredation licenses may be sold to individuals designated by the producer as having permission to hunt. No individual may obtain more than ~~two~~ three depredation licenses per management plan. Licenses will be sold by designated department field employees.

~~(3) A depredation license issued to the producer or producer's family member may be the one free license for which the producer's family is eligible annually.~~

~~(4)~~ (3) Depredation licenses will be valid only for hunting antlerless deer, unless otherwise specified in the management plan, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

~~(5)~~ (4) Hunters may keep any deer legally tagged with a depredation license.

~~(6)~~ (5) All other regulations for the hunting season specified on the license will apply.

~~(7)~~ (6) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in subparagraph (8-7). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

~~(8)~~ (7) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify

for the depredation program or in areas of persistent deer depredation. Depredation permits issued to producers within the block hunt zone are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops ~~will~~ may allow taking deer from August 1 through March 31. Permits issued for August 1 through August 31 shall be valid only for taking antlered deer. Permits issued for September 1 through March 31 may be valid for taking any deer, antlerless deer or antlered deer, depending on the nature of the damage.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved maintains a deerproof fence and signs an agreement with the department. Disposal of deer killed under these permits shall be coordinated with the local conservation officer.

(5) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(6) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.

(7) Shooters must wear blaze orange and comply with all other applicable laws and regulations pertaining to shooting and hunting.

c. Agricultural depredation shooting permits. Agricultural depredation shooting permits will be issued to a landowner or designated tenant who is a resident of Iowa who has sustained at least \$1,000 of damage to agricultural crops if the resident ~~is cooperating with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) to reduce crop damage by deer~~ or has an approved DNR deer depredation plan.

(1) Agricultural depredation shooting permits will be issued to the resident landowner or designated tenant at no cost and shall be valid only on the farm unit where the damage is occurring.

(2) Permits issued to the resident landowner or designated tenant shall allow the taking of antlerless deer from September 1 through November 30. The number of permits issued to individual landowners or tenants will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(3) Deer taken on these permits must be taken by the resident landowner or the designated tenant only.

(4) Times, places, and other restrictions will be specified on the permit.

(5) Shooters must wear blaze orange and comply with all other applicable laws and regulations.



(6) For agricultural depredation shooting permits there are no shooting hour restrictions but taking deer with an artificial light is prohibited by Iowa code 481A.93.

(7) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.

(8) Agricultural depredation shooting permits will be valid only on the land where damage is occurring.

d. Rescinded IAB 5/29/02, effective 7/3/02.

e. Depredation licenses, agricultural depredation shooting permits and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

f. Depredation licenses, agricultural depredation shooting permits and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd.

106.11(5) Disposal. It shall be the producer's responsibility for shooting permits, ~~excluding those issued for public safety,~~ and for agricultural depredation shooting permits to see that all deer are field dressed and removed immediately from the field. Dead deer must be handled for consumption, and the producer must coordinate through the local conservation officer the disposal of deer offered to the public. Charitable organizations will have the first opportunity to take deer offered to the public. No producer shall keep more than two deer taken under depredation shooting permits. By express permission from a DNR enforcement officer, the landowner may dispose of deer carcasses through a livestock sanitation facility.

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Date

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Richard A. Leopold, Director

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